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**Franciscan Family Care Center, Incorporated**

November 14, 2003

**TO WHOM IT MAY CONCERN:**

We are a small adoption agency licensed to provide services in the state of Connecticut. We have reviewed the proposed regulations promulgated under the Intercountry Adoption Act. We heartily support the goal of curbing trafficking of children which is the underlying intent of the legislation but we have concerns about some of the regulations.

Subpart B, §§96.4 through 96.10, sets out the means by which an organization can become an "accrediting entity," that is, a body which would approve and oversee any agencies wishing to handle intercountry adoptions. The bureaucratic duties assigned to an accrediting entity are very heavy. The regulations permit the entity to charge fees to offset the costs of those activities. We are concerned that paying these fees will add an expense an agency cannot afford and fear that the procedures will add additional time and expense to the already difficult process of adopting a foreign child.

Under Subpart C, §96.12, an agency would have to become accredited in order to continue to function. Subpart F, which governs the accrediting process would, under §96.33, require that an adoption agency have an annual independent audit, submit that audit to the accrediting entity, and provide evidence that a risk assessment has been done. It also mandates maintenance of cash reserves to meet operating expenses for three months at a time and liability insurance in the amount of \$1,000,000 per occurrence. Many agencies are not profit-making; their fees bring in enough to pay for their operating expenses but no more. Most agencies could not maintain a three-month cash reserve. Most could not afford the expense of the more extensive policy required by these rules. The audit and risk assessment policies would add costs and obligations that many agencies have neither the financial resources nor the staff to meet. The point system contemplated by this section of the regulations is arbitrary and does not relate to the ability to do home studies, provide post-placement supervision or other services to families.

Subpart K, §96.79, makes it clear that there is no administrative nor judicial recourse if an initial application for accreditation is denied. A single adverse decision would put an end to many small agencies.

Subpart A requires that public or private agencies apply to the State Department in order to be certified as "accrediting entities." Until this process gets underway, how will adoption work

continue and to whom will agencies have to apply for approval? The present scheme appears to be a recipe for confusion and lack of accountability.

We respectfully request that the Department look again at these regulations. The effect on small adoptions agencies should be realistically assessed and the cost to prospective adoptive parents honestly evaluated. In particular, the Department should analyze how much implementing these regulations will increase the cost of adoptions and who will benefit from the increase. The consequences for small agencies have not been factored into this process.

Small agencies are a valuable resource for prospective parents and the children placed with them. If they can no longer help these parents and children because of regulations, we fear that the field of honest and competent adoption agencies will be reduced and the problem of child trafficking will, directly or indirectly, be worsened. We again ask that you review and revise these regulations so that small agencies will survive.

I thank you for your attention to this matter.

Sincerely,

*Sister Shaun Vergauwen, F.S.E.*

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